

**YAMAP0398USD****Serial No. 10/712,916****REMARKS**

Claims 10-16 are pending in the present application. New claims 17-25 are submitted herein. New claims 17-25 correspond to claims 1-9 of the parent reissue application, U.S. Application No. 10/288,204. The parent reissue application will be expressly abandoned to permit inclusion of the claims of that application in the present application, as discussed in the Interview Summary mailed from the Office on 12 October 2005, and as summarized in Applicants' Substance of Interview statement below and as discussed further hereinbelow.

No claims are amended herein.

**Substance of Telephonic Interview on 07 October 2005.**

On 07 October 2005, Examiner Haran and Applicants' attorney Thomas Adams conducted a telephone interview regarding procedure in this application and in the parent application. In accordance with 37 CFR 1.177 and MPEP 1451, when the claims of the divisional reissue application are in condition for allowance and the claims of the parent reissue application are non-amended claims from the patent subject to reissue, the claims of the two applications should be re-merged into a single application. The 07 October 2005 telephonic interview was basically a discussion of the mechanics of the re-merger of these two applications. The Examiner stated (and later confirmed, as noted in the Examiner's Interview Summary) that the claims of either application could be merged into the other, and the application from which the claims are obtained would be expressly abandoned. The Examiner and Applicants' attorney discussed the fact that both the corrected reissue oath and the terminal disclaimers had been filed in the divisional application (10/712,916). Thus, if the parent reissue application (10/288,204) was the one to be maintained, these papers would have to be re-submitted in that application. For this reason, it was concluded that it would be preferable to cancel claims 1-9 from the parent reissue application (and abandon it) and to add those claims to the present divisional reissue application.

**YAMAP0398USD****Serial No. 10/712,916**

The foregoing is the Applicants' statement of the substance of the interview of 07 October 2005.

**Addition of New Claims 17-25 to This Divisional Application.**

Based on the discussion in the interview reviewed above, Applicants submit herewith new claims 17-25, corresponding to claims 1-9 of the parent reissue application. These claims have been numbered 17-25 herein, even though there are no claims 1-9, in accordance with the requirements of 37 CFR 1.126 and MPEP 608.01(j), which require that when claims are added by amendment, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented. Since the highest numbered claim previously presented was 16, the newly added claims are numbered beginning with 17. The Examiner is respectfully requested to exercise his discretion to renumber newly added claims 17-25 to 1-9, so to have these claims first in the reissue patent.

**Express Abandonment of Parent Reissue Application**

Simultaneous with the filing of the present Reply, Applicants are submitting an express abandonment of the parent reissue application, US 10/288,204. A copy of the express abandonment is submitted herewith, marked "COPY".

**Conclusion**

Applicants submit that the present reissue application is in condition for allowance. Applicants respectfully request allowance of the present application, as amended herein.

In the event issues arise as a result of the filing of this paper, or remain in the prosecution of this application, Applicants request that the Examiner telephone the undersigned attorney to expedite allowance of the application. If any additional fees are required, the Commissioner is authorized to charge those fees to Deposit Account #18-0988, Docket No. YAMAP0398USD.


**YAMAP0398USD**

**Serial No. 10/712,916**

Respectfully submitted,  
RENNER, OTTO, BOISSELLE & SKLAR, P.L.L.

Date: November 14, 2005

By



Neil A. DuChez  
Reg. No. 26,725

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113  
(216) 621-6165 (FAX)

B:\Adams-Tom\Client Files\YAMA\398D - Reissue\YAMA398D.ROA2.wpd